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13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA

15 OAKLAND DIVISION

16 UNITED STATES OF AMERICA, ) CASE NO. 4:16-70812 MAG  
17 Plaintiff, )  
18 v. ) CORRECTED STIPULATION AND  
19 SERGIO MARTINEZ-MAGANA, ) [PROPOSED] ORDER TO CONTINUE  
20 Defendant. ) HEARING AND EXCLUDE TIME UNDER  
21 ) SPEEDY TRIAL ACT AND RULE 5.1 FROM  
22 ) AUGUST 23, 2016 TO SEPTEMBER 21, 2016  
23 )  
24 )  
25 )  
26 )  
27 )  
28 )

19 STIPULATION

20 Defendant Sergio Martinez-Magana is charged by complaint in the above-referenced matter with  
21 conspiracy to distribute and to possess with the intent to distribute controlled substances. The  
22 government has recently produced the discovery in the matter and the parties have discussed a potential  
23 disposition of the case. The defendant hereby requests additional time before the preliminary hearing to  
24 allow defense counsel an opportunity to review the discovery and confer with his in-custody client and  
25 the government regarding the potential disposition.

26 The preliminary hearing in this matter is presently scheduled on August 23, 2016, and the parties  
27 hereby request that it be continued to September 21, 2016. The parties make this request to allow for  
28

STIP. AND [PROPOSED] ORDER RESCHEDULING PRELIMINARY HRG. AND EXCLUDING TIME  
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1 reasonable time for the effective preparation of counsel. For all of the reasons stated, the parties believe  
2 that good cause exists to exclude and waive time under Federal Rule of Criminal Procedure 5.1(c) and  
3 (d) from August 23, 2016 through September 21, 2016, taking into account the public interest in the  
4 prompt disposition of a criminal case and the defendant's consent, and to exclude time under the Speedy  
5 Trial Act. 18 U.S.C. § 3161.

6 IT IS SO STIPULATED.

7  
8 DATED: August 18, 2016

Respectfully submitted,  
BRIAN J. STRETCH  
United States Attorney

11 \_\_\_\_\_/s/  
12 LLOYD FARNHAM  
13 Assistant United States Attorney

14 \_\_\_\_\_/s/  
15 ANTHONY LOWENSTEIN  
16 Counsel for Sergio MARTINEZ-MAGANA

17 **[PROPOSED] ORDER**

18 For the reasons stated by the parties, the Court finds that the aforementioned request is supported  
19 by good cause and made with the consent of Defendants. Fed. R. Crim. Proc. 5.1(c) and (d). The Court  
20 therefore finds that an exclusion of time between August 23, 2016 through September 21, 2016, is  
21 merited under Federal Rules of Criminal Procedure Rule 5.1(c) and (d) and the Speedy Trial Act under  
22 18 U.S.C. § 3161 and moves the date of the preliminary hearing to September 21, 2016.

23 IT IS SO ORDERED.

24  
25 DATED: August 22, 2016

26 \_\_\_\_\_  
27 HON. KANDIS A. WESTMORE  
28 United States Magistrate Judge